

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4: 23-CR-00219-1-MTS
)	
DAREON GRAHAM,)	
)	
Defendant.)	

SENTENCING MEMORANDUM OF THE UNITED STATES

The United States of America, by and through Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Jonathan A. Clow, Assistant United States Attorneys for said District, submits its Sentencing Memorandum and respectfully recommends that this Court impose a sentence of 30 months' imprisonment, which falls within the United States Sentencing Guidelines ("Guidelines") range.¹ Such a sentence is warranted under the relevant sentencing factors.

I. A sentence within the Guidelines range is appropriate based on the relevant sentencing factors.

In imposing a sentence, this Court must consider the relevant factors enumerated in 18 U.S.C. § 3553(a) and "make an individualized assessment based on the facts presented." *Gall v. United States*, 552 U.S. 38, 50 (2007). Section 3553(a) instructs that this Court must:

impose a sentence sufficient, but not greater than necessary, to accomplish the goals of sentencing, including to reflect the seriousness of the offense, to promote respect for the law, to provide just punishment for the offense, to afford adequate deterrence to

¹ The United States agrees with the Guidelines calculation for Defendant as set forth in the Presentence Investigation Report. Specifically, Defendant has a total offense level of 18 and a criminal history category of I, resulting in a Guidelines range of 27 to 33 months of incarceration. See Doc. 107 ("PSR") at paras. 32–46, 73.

criminal conduct, and to protect the public from further crimes of the defendant.

Kimbrough v. United States, 552 U.S. 85, 101 (2007) (cleaned up). Under the statute, this Court should also consider “‘the nature and circumstance of the offense,’ ‘the history and characteristics of the defendant,’ ‘the sentencing range established by the Guidelines,’ ‘any pertinent policy statement’ issued by the Sentencing Commission pursuant to its statutory authority, and ‘the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct.’” *Id.* (quoting 18 U.S.C. § 3553(a)). Here, the relevant sentencing factors, particularly the nature and circumstances of the offense, demonstrate that a sentence of 30 months’ imprisonment is appropriate.

The nature and circumstances of Defendant’s crime are serious and warrant a Guidelines sentence. For a period of almost a year, Defendant orchestrated the theft of mail in the St. Louis-area and then used checks stolen from the mail to commit check fraud. Defendant obtained a stolen USPS-issued key used to open USPS collection boxes, he provided that key to his co-defendant Tyrell Hardin, and he directed Hardin on when and where to steal mail from USPS collection boxes on Defendant’s behalf. After obtaining checks from the stolen mail, Defendant recruited account holders to allow their bank accounts to be used for the fraudulent deposit of these stolen checks. Defendant altered or counterfeited the stolen checks, deposited those altered and counterfeited checks in the account holders’ bank accounts, and withdrew proceeds from the fraudulent check before the bank discovered the fraud. In sum, Defendant was at the center of every step of this scheme, and, over the course of the scheme, he induced at least a dozen individuals to participate in his criminal activity.

While Defendant's conduct is serious in and of itself, it is particularly significant because Defendant's offense occurred at a time when mail theft was on the rise locally² and nationally,³ a problem that has been well-publicized. Mail theft and fraud using checks stolen from the mail has real consequences for the community. It undermines the public's sense of security and confidence in a vital government service. Indeed, Defendant took advantage of the public's reliance on the mail system in order to perpetrate his fraud and in an attempt to enrich himself. Through his orchestration of the scheme, Defendant played an instrumental role in this region-wide problem, which distinguishes him from other mail theft and check fraud defendants in this District. Any sentence needs to account for the particular impact of this type of crime and Defendant's role in

² See, e.g. Allie Corey, *USPS, Brentwood police investigate stolen mail from postal drop box*, KSDK.com, March 18, 2022, <https://www.ksdk.com/article/news/local/usps-brentwood-police-stolen-mail/63-c18ef3e6-83b6-4cc1-a261-c65601cfacfe>; Jaime Mowers, *Blue Boxes Targeted As Mail Theft On The Rise*, Webster-Kirkwood Times, May 16, 2022, https://www.timesnewspapers.com/webster-kirkwoodtimes/blue-boxes-targeted-as-mail-theft-on-the-rise/article_c746d75e-d1fb-11ec-b145-33bc31b6b2b8.html; Taylor Tiamoyo Harris, *Chesterfield woman defrauded of nearly \$10K after mail theft and check forgery*, STLToday.com, Aug. 19, 2022, https://www.stltoday.com/business/local/chesterfield-woman-defrauded-of-nearly-10k-after-mail-theft-and-check-forgery/article_602aa1f8-060c-5931-ac88-a53a5b15972e.html; Gregg Palermo, *Chesterfield Police: avoid post office dropboxes amid mail theft spree*, Spectrum News, Aug. 31, 2022, <https://spectrumlocalnews.com/mo/st-louis/news/2022/08/31/chesterfield-police--avoid-post-office-dropboxes>; Diamond Palmer, *Some south St. Louisians think twice about putting mail in blue collection box*, KSDK.com, Dec. 21, 2023, <https://www.ksdk.com/article/news/local/some-south-st-louis-residents-say-theyll-think-twice-about-putting-mail-in-their-blue-collection-box-after-it-was-left-wide-open-this-week/63-54249f26-91da-4d41-8775-f6c1edbc86c5>.

³ See, e.g. Jacob Bogue, *Mail theft is rising. Here's how to safeguard your envelopes.*, Washington Post, July 5, 2023, <https://www.washingtonpost.com/business/2023/07/05/mail-theft-postal-service/>; David Sharp, *"Outraged" letter carriers demand action to stop robberies*, Associated Press, May 8, 2023, <https://apnews.com/article/usps-postal-carrier-robberies-d53f77fbd357ba3c87d9c43bc9da33>; Aimee Picchi, *Avoid mailing your checks, experts warn. Here's what's going on with the USPS.*, CBSNews.com, June 22, 2023, <https://www.cbsnews.com/news/us-postal-service-warning-checks-mail-fraud-theft/>.

the offense, promote respect for the law, and deter others from engaging in similar conduct in the future.

As the law requires, the nature and circumstances of the offense must be balanced against the history and characteristics of Defendant. The Presentence Investigation Report identifies mitigating factors in this case, including Defendant's age at the time of the offense and lack of criminal history. *See* PSR, para. 95. While these are certainly relevant facts that the Court must consider, they do not counteract the nature and circumstances of Defendant's offense. Balancing all of the relevant factors, the United States believes that a sentence within the Guidelines range is appropriate and respectfully requests a sentence of 30 months' imprisonment.

Respectfully submitted,

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